
Ymateb i Ymgynghoriad / Consultation Response

Enw / Name:	Owen Evans
Rôl / Role:	His Majesty's Chief Inspector of Education and Training in Wales
E-bost / Email:	ChiefInspector@estyn.gov.uk
Rhif Ffôn / Tel No:	029 2044 6446
Dyddiad / Date:	01.12.23
Pwnc / Subject:	Education Workforce Council Investigating Committee and Fitness to Practise Committee membership

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality of education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, all age schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

This response is not confidential.

Response

Introduction

We support the proposed changes within this consultation and believe they will help ensure that staff within the educational workforce in Wales maintain high professional standards. Furthermore, these changes will enhance the safeguards against unsuitable persons entering, or remaining within, the educational workforce.

We believe that the proposed changes will likely reduce the risk of prolonged proceedings and any associated harms. The proposed changes will not impact negatively upon registrants provided that the perspective afforded by contextual and specialised knowledge of sectors forms part of a committee member's induction and ongoing training.

We feel that the proposed changes will make it easier for proceedings to be conducted through the medium of Welsh, thereby increasing opportunities for the use of the Welsh language.

Consultation questions

Question 1 – Do you agree with the proposal to amend the requirements for the Committees?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	-------------------------------------	-----------------	--------------------------	-----------------------------------	--------------------------

Supporting comments

We agree with the proposed amendments as they should expedite the convening of suitable committees thereby reducing the risk of prolonged procedures and the continuation of any associated harms.

The proposal could be strengthened further by introducing the requirement that there is an attempt to constitute committees with persons from within the same registrant category before appointing persons from other categories. This will ensure that, whenever possible, proceedings benefit from the perspective afforded by the contextual and specialist knowledge that persons practising within the same category hold.

Question 2 – Do you agree with our assessment of the impacts of the proposal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	-------------------------------------	-----------------	--------------------------	-----------------------------------	--------------------------

Supporting comments

We agree with the consultation's assessment of the impacts of the proposal and believe there will be no detrimental impact upon registrants.

However, the original stipulation that the committee includes one person from the same registration category is intended to reflect the importance of that person’s contextual and specialist knowledge of the category in question. This knowledge is vital and adds validity to the proceedings. The removal of this requirement introduces a risk that the perspective afforded by this knowledge may be lost. Therefore, the EWC should carefully consider reviewing the nature of the training and information provided to committee members during their induction programme, and on an ongoing basis, to ensure that there is no loss in this contextual and specialised perspective during procedures.

Question 3 – Do you agree with the proposals for miscellaneous amendments to the 2015 Regulations?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	---	-----------------	--------------------------	-----------------------------------	--------------------------

Supporting comments

Change to the name of the Fitness to Practice Committee

We agree that the change from *practice* to *practise* in the name of the committee is minor and will have no impact on the work of the EWC or these committees.

Change to Schedule 2 of the 2015 Regulations: Matters to be recorded on the Register

The change to Paragraph 21 of Schedule 2 of The Education Workforce Council (Main Functions) (Wales) Regulations 2015 is vital to ensure that the regulations refer to current and not repealed legislation. Without such a change, the EWC will not be required to maintain a list of directions under Section 167A of the Education Act 2002. i.e. to maintain a register of persons prohibited from participating in the management of an independent school.

A register such as this will improve safeguards against unsuitable people entering the educational workforce. The current absence of such a list places greater pressure upon safer recruitment checks, for example references, and represents a safeguarding risk.

Furthermore, the proposed Independent Schools (Prohibition on Participation in Management) Regulations 2023 are essential to underpinning these changes. Without this legislation Welsh Government will continue to have the authority to prohibit the participation of persons from the management of an independent school but not the mechanism with which to enact and enforce these powers.

Question 4 – What, in your opinion, would be the likely effects of the amendment to the Committees on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

Supporting comments

Removing the requirement for the registered person to be in the same registrant category as the person facing the proceedings will afford the EWC greater flexibility to appoint registered people, particularly those who speak Welsh.

Committees to be conducted through the medium of Welsh will be able to be convened more quickly, thereby increasing opportunities for the use of Welsh language.

However, it will be important that Welsh speakers appointed to a committee beyond their registrant category and/or where their professional practice is not in the medium of Welsh, receive the same high-level induction and ongoing training that enables them to understand any contextual nuances between registrant categories.

Question 5 – In your opinion, could the proposed amendments be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Supporting comments

It is essential that documentation, and where appropriate, legislation is provided in both Welsh and English simultaneously.

The decision whether a committee is conducted through the medium of Welsh resides with the person who is subject to the proceedings. We do not believe that any different formatting of these amendments would have any influence upon their decision to request the proceedings are conducted through the medium of Welsh.

Question 6 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

These suggested amendments, coupled with The Education Workforce Council (additional Categories of Registration) (Wales) Order 2023, strengthen the protections against unsuitable persons entering, or remaining within, the educational workforce within Wales.

The new requirement for teachers and learning support workers in a wider range of sectors of the educational workforce to register with the EWC, for example independent schools and specialist colleges, ensures that staff working within these sectors practise under the same high standards of professional conduct as those currently registered.

It will strengthen the mechanisms and safeguards applicable at the point at which persons move between employments or sectors. For example, removing the pressure upon references to identify unsuitable persons or when staff are moving from the independent to maintained sectors.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: